

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEPHANIE TARAPCHAK, : CIVIL ACTION NO. 3:15-CV-621

Plaintiff : (Chief Judge Conner)

v. :

LACKAWANNA COUNTY, et al., :

Defendants :

ORDER

AND NOW, this 16th day of December, 2015, upon consideration of the motions (Docs. 19, 24) filed by *pro se* plaintiff Stephanie Tarapchak (“Tarapchak”), requesting that the court order Lackawanna County Prison to suspend its monthly withdrawal of filing fees from her inmate commissary account and direct the Clerk of Court to refund the portion of the filing fee already paid in light of (1) the court’s denial (Doc. 16) of Tarapchak’s motions (Docs. 2, 8) for leave to proceed *in forma pauperis* and (2) Tarapchak’s voluntary dismissal (Doc. 18) of this action, wherein Tarapchak maintains that because her request to proceed *in forma pauperis* was denied, Lackawanna County Prison was not authorized to make further monthly withdrawals of the filing fee from her inmate commissary account, and the court noting that, notwithstanding Tarapchak’s voluntary dismissal of her complaint or the court’s denial of Tarapchak’s motions to proceed *in forma pauperis*, the filing fee remained due in full, and that Tarapchak acknowledged this obligation in an authorization form, indicating her understanding “that the entire filing fee will be

deducted from my account regardless of the outcome of my civil action," (Doc. 9), and the court further noting that voluntary dismissal does not entitle Tarapchak to a refund of the filing fee, *cf. Porter v. Dep't of Treasury*, 564 F.3d 176, 179-80 (3d Cir. 2009) (denying request for refund of appellate filing and docketing fees); *see also Martin v. United States*, No. 1:13-CV-1456, 2014 WL 690619, at *1 n.1 (M.D. Pa. Feb. 24, 2014) (Conner, C.J.) (citing *Porter*, 564 F.3d at 179-80, and denying request for refund of district court filing fee), it is hereby ORDERED that Tarapchak's motions (Docs. 19, 24) are DENIED.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania